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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,144	02/04/2004	Edward D. Lewis	13040-175A 1863	
32841 7	7590 12/16/2005		EXAMINER	
BAHRET & ASSOCIATES 320 NORTH MERIDIAN STREET			MIGGINS, MICHAEL C	
SUITE 510	ALKIDIAN STREET		ART UNIT	PAPER NUMBER
INDIANAPOLIS, IN 46204			1772	

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)		
Office Action Summary		10/772,144	LEWIS, EDWARD D.		
		Examiner	Art Unit		
		Michael C. Miggins	1772		
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply					
WHIC - Exter after - If NO - Failui Any r	ORTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING DATE is a solution of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. Period for reply is specified above, the maximum statutory period were to reply within the set or extended period for reply will, by statute, eply received by the Office later than three months after the mailing and patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim vill apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONEI	L. lely filed the mailing date of this communication.		
Status			•		
2a) <u></u> ☐	Responsive to communication(s) filed on <u>04 Fe</u> This action is <b>FINAL</b> . 2b) This Since this application is in condition for allowar closed in accordance with the practice under E	action is non-final. nce except for formal matters, pro			
Dispositi	on of Claims				
5) 6) 7)	Claim(s) <u>1-19</u> is/are pending in the application.  4a) Of the above claim(s) is/are withdraw Claim(s) is/are allowed.  Claim(s) is/are rejected.  Claim(s) is/are objected to.  Claim(s) <u>1-19</u> are subject to restriction and/or expressions.	vn from consideration.			
Applicati	on Papers				
10)	The specification is objected to by the Examine The drawing(s) filed on is/are: a) accomplicant may not request that any objection to the Replacement drawing sheet(s) including the correct The oath or declaration is objected to by the Examination	epted or b) objected to by the liderawing(s) be held in abeyance. See ion is required if the drawing(s) is obj	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).		
Priority u	ınder 35 U.S.C. § 119				
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>					
2) Notice 3) Infon	t(s)  be of References Cited (PTO-892)  be of Draftsperson's Patent Drawing Review (PTO-948)  mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  or No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Di 5) Notice of Informal F 6) Other:			

## **DETAILED ACTION**

## Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

Claims 1-13 to a fiber optic mouse pad having a plurality of optical fibers defining an illumination pattern.

Claims 14-18 to a fiber optic mouse pad having an opaque top surface, means for collecting light and means for transmitting light under said top surface.

Claim 19 to a fiber optic mouse pad having an opaque top surface, a reflective cup, a transparent cover over said cup and a plurality of optical fibers

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims

are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

## Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Miggins whose telephone number is 571-272-1494. The examiner can normally be reached on 1:00-10:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 10/772,144

Art Unit: 1772

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael C. Miggins Primary Examiner

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MCM December 12, 2005